IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15472 of 2004

Between:

1. Smt. P. Janakamma, W/o Late P. Raghu Ramulu,
   Age: 55 years, r/o H. No. 4-5-44, Sherali Street, Gadwal,

Mahabubnagar District.
2. P. Kedarnath, S/o Late P. Raghu Ramulu,
   Aged 34 years, R/o H. No. 4-5-44, Sherali Street, Gadwal,

Mahabubngar District
3. P. Manasa, D/o Late P. Raghu Ramulu,
Aged: 32 years, R/o Plot No. 91, Samatapuri Colony,
New Nagole, Hyderabad
4. P. Amarnath, S/o Late P. Raghu Ramulu
   Aged 29 years, R/o H. No. 4-5-44, Sherali Street, Gadwal,

Mahabubngar District.
5. P.Madhavi, D/o Late P. Raghu Ramulu, W/o C. Srinivas
Aged 27 years, R/o H. No. 4-5-44, Sherali Street, Gadwal,

Mahabubngar District
6. P. Narmada, D/o Late P. Raghu Ramulu, W/o Ramesh
   Aged 25 years, R/o H. No. 4-5-44, Sherali Street, Gadwal,

Mahabubngar District
7. P. Ramnath, S/o Late P. Raghu Ramulu,

Aged about 23 years, R/o H. No. 4-5-44, Sherali Street, Gadwal,

Mahabubngar District.

..... PETITIONERS

AND

1. The Mandal Revenue Officer, Gadwal Mandal,

Gadwal, Mahabubnagar District
2. The Revenue Divisional Officer, Gadwal Revenue Division,
Gadwal, Mahabubnagar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the order of the Mandal Revenue Officer, Gadwal in No. C/1124/2004, dated 13-8-2004 cancelling "D" form patta granted in the name of late P. Raghu Ramulu assigning land Ac. 5-01 gts in Sy. No. 1112/4 situated in the limits of Kondapally hamlet of Poodur Sivar, Gadwal, Mahabubngar District as illegal, arbitrary, contrary to the principles of natural justice and the specific provisions of S.3(1) and S.4(1)(b) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and has the effect of violation of Articles 14, 19 & 21 of Constitution of India and to set a side the same consequently directing the Mandal Revenue Officer, Gadwal to deliver possession of land Ac. 5-01 gts in Sy. No. 1112/4 situated in the limits of Kondapally hamlet of Poodur Sivar, Gadwal, Mahabubnagar District by mutating the patta in their name being the Legal Heirs of original assigne Late P. Raghu Ramulu.

Counsel for the Petitioners: MR.K.VENKATESH GUPTA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following:

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O R D E R:

Heard the learned counsel for the petitioners and the learned Government Pleader

for Revenue.

When the petitioners made representations to the District Collector, Mahabubnagar, in the month of April, 2004, requesting to give necessary directions to the Mandal Revenue Officer to mutate the patta in their names, in respect of the land in question, by granting succession, the same was referred to the Revenue Divisional Officer, who in turn, referred the same to the Mandal Revenue Officer on 18.05.2004. Pursuant to the same, the Mandal Revenue Officer, cancelled the assignment made in favour of Sri Raghuramulu, the husband of the 1st petitioner, and ordered for resumption of the said land, in favour of the Government. Questioning the same, the present writ petition is filed.

It is not in dispute that no notice, whatsoever, was issued to the petitioners informing that the land, on which the petitioners seek succession, was an assigned land and that the same is liable to be resumed.

Inasmuch as the impugned order is passed without issuing any notice to the petitioners of the proposed action of the respondents, for resumption of the land in question, as per the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, the same is liable to be set aside. However, the respondents are at liberty to issue notice to the petitioners and proceed in accordance with law.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

07.10.2004

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To

1. The Mandal Revenue Officer, Gadwal Mandal,

Gadwal, Mahabubnagar District
2. The Revenue Divisional Officer, Gadwal Revenue Division,
Gadwal, Mahabubnagar District

3. Two CCs to the Government Pleader for Revenue, High Court

Buildings, High Court of A.P., Hyderabad (O.U.T).

4. 2 CD copies.